

EXHIBIT A

From: [Robinson, Amy \(LAW\)](#)
To: [Bobby Hodgson](#); anthony.coles@dlapiper.com; sbushnell@quinnlawny.com; aquinn@quinnlawny.com; sow-legal@blhny.com; [Payne Litigation Team](#); ag.nypdlitigation@ag.ny.gov; macquisto@quinnlawny.com; graylegalteam@dwt.com; smcquade@pittalaw.com; rolonlegalteam@aboushi.com; pbalitigationteam@schlamstone.com; lloomba@quinnlawny.com
Cc: [NYC Law Protest Team](#)
Subject: RE: [EXTERNAL] RE: Deposition Packet - Chief Kenneth Lehr
Date: Wednesday, April 26, 2023 1:48:59 PM
Attachments: [image003.png](#)
[image004.png](#)

Bobby,

Apologies for the delay in responding. I was not at my desk. We agree to adjourn Chief Lehr's deposition.

Regards,
Amy

From: Bobby Hodgson <RHodgson@nyclu.org>
Sent: Wednesday, April 26, 2023 11:54 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; anthony.coles@dlapiper.com; sbushnell@quinnlawny.com; aquinn@quinnlawny.com; sow-legal@blhny.com; [Payne Litigation Team](#) <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov; macquisto@quinnlawny.com; graylegalteam@dwt.com; smcquade@pittalaw.com; rolonlegalteam@aboushi.com; pbalitigationteam@schlamstone.com; lloomba@quinnlawny.com
Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: [EXTERNAL] RE: Deposition Packet - Chief Kenneth Lehr

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Hi Amy, I'm just following up on this. If we're going to adjourn, I'd like to do so asap so that we can avoid late cancellation fees with the court reporter.

Thanks,

Bobby Hodgson | *Supervising Attorney*

New York Civil Liberties Union

Pronouns: he, him, his

125 Broad Street, 19th Floor

New York, NY 10004

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From: Bobby Hodgson

Sent: Tuesday, April 25, 2023 12:03 PM

To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; anthony.coles@dlapiper.com; sbushnell@quinnlawny.com; aquinn@quinnlawny.com; sow-legal@blhny.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov; macquisto@quinnlawny.com; graylegalteam@dwt.com; smcquade@pittalaw.com; rolonlegalteam@aboushi.com; pbalitigationteam@schlamstone.com; lloomba@quinnlawny.com

Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: RE: Deposition Packet - Chief Kenneth Lehr

Amy,

Thank you for this update. On your proposed conditions, we think they would be prejudicial to Plaintiffs and we cannot agree. Defendants' error caused this issue, and we would only be able to go forward on Friday if Defendants agree that future questioning regarding the texts could go beyond the 7 hour total and cover any material reasonably informed by the text production. At this stage, taking into account Chief Lehr's previous testimony about his texts during the key June 1-4th period, but with no further information regarding the content or volume of those texts, it is impossible for us to properly gauge how they would inform key questioning. We would also require that Defendants pay any costs associated with a second deposition date.

If Defendants are not willing to agree to the above, we propose adjourning the depo until after the texts come in. In terms of proposed dates: I am available June 6, 7, 8, or 9.

Bobby Hodgson | *Supervising Attorney*

New York Civil Liberties Union

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From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Sent: Tuesday, April 25, 2023 7:02 AM
To: Bobby Hodgson <RHodgson@nyclu.org>; anthony.coles@dlapiper.com;
sbushnell@quinnlawny.com; aquinn@quinnlawny.com; sow-legal@blhny.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov;
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Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: Re: Deposition Packet - Chief Kenneth Lehr

Bobby,

We just discovered that the department cell that Chief Lehr turned in when he retired, which was used to obtain his text messages during the protests, was not the phone that he used during June 2020. That phone was replaced in October 2020, which explains why we are not seeing any June 2020 texts. NYPD is working now to collect the earlier phone. Given that the phone has to be located, data needs to be extracted followed by a review process, the texts will not be available before Chief Lehr's deposition. We will consent to leaving the deposition for purposes of questioning regarding his text messages only. In any event, his total deposition time cannot exceed seven hours.

Regards,

Amy Robinson
Senior Counsel
New York City Law Department
Special Federal Litigation Division
100 Church Street
New York, NY 10007
(212) 356-3518
arobinso@law.nyc.gov

From: Bobby Hodgson <RHodgson@nyclu.org>
Sent: Monday, April 24, 2023 4:56 PM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; anthony.coles@dlapiper.com <anthony.coles@dlapiper.com>; sbushnell@quinnlawny.com <sbushnell@quinnlawny.com>; aquinn@quinnlawny.com <aquinn@quinnlawny.com>; sow-legal@blhny.com <sow-legal@blhny.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov <ag.nypdlitigation@ag.ny.gov>; macquisto@quinnlawny.com <macquisto@quinnlawny.com>; graylegalteam@dwt.com <graylegalteam@dwt.com>; smcquade@pittalaw.com <smcquade@pittalaw.com>; rolonlegalteam@aboushi.com <rolonlegalteam@aboushi.com>; pbalitigationteam@schlamstone.com <pbalitigationteam@schlamstone.com>; lloomba@quinnlawny.com <lloomba@quinnlawny.com>

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Hi Amy,

Do you have any update on Chief Lehr's text messages? We continue to be concerned that relevant text messages Chief Lehr referenced in sworn testimony exist and have not been produced. To the extent this issue is not resolved in advance of Friday's deposition--with enough time for us to review any produced texts--we will of course reserve the right to hold the deposition open.

Thanks,

Bobby Hodgson | *Supervising Attorney*

New York Civil Liberties Union

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From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Saturday, April 22, 2023 6:15 PM

To: Bobby Hodgson <RHodgson@nyclu.org>; anthony.coles@dlapiper.com

<anthony.coles@dlapiper.com>; sbushnell@quinnlawny.com <sbushnell@quinnlawny.com>;
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<rolonlegalteam@aboushi.com>; pbalitigationteam@schlamstone.com
<pbalitigationteam@schlamstone.com>; lloomba@quinnlawny.com <lloomba@quinnlawny.com>
Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: Re: Deposition Packet - Chief Kenneth Lehr

Bobby,

1. I will immediately confer with our E-discovery team on Monday regarding the data processed from Chief Lehr's phone. We agree that any texts containing the information described would be responsive.
2. By Court order, Chief Lehr's disciplinary records were produced on August 1, 2022, DEF_DISCIPLINARY_000135 - 000139.

Regards,

Amy

Amy Robinson
Senior Counsel
New York City Law Department
Special Federal Litigation Division
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arobinso@law.nyc.gov

From: Bobby Hodgson <RHodgson@nyclu.org>

Sent: Saturday, April 22, 2023 1:46 PM

To: anthony.coles@dlapiper.com <anthony.coles@dlapiper.com>; sbushnell@quinnlawny.com <sbushnell@quinnlawny.com>; aquinn@quinnlawny.com <aquinn@quinnlawny.com>; sow-legal@blhny.com <sow-legal@blhny.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov <ag.nypdlitigation@ag.ny.gov>; macquisto@quinnlawny.com <macquisto@quinnlawny.com>; graylegalteam@dwt.com <graylegalteam@dwt.com>; smcquade@pittalaw.com <smcquade@pittalaw.com>; rolonlegalteam@aboushi.com <rolonlegalteam@aboushi.com>; pbalitigationteam@schlamstone.com <pbalitigationteam@schlamstone.com>; lloomba@quinnlawny.com <lloomba@quinnlawny.com>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>

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Amy,

I write in response to the city's production of Chief Lehr's deposition packet.

- **1) Texts.** First, the transmittal letter's statement that "Chief Lehr has no responsive texts" is in conflict with multiple sworn statements he's given confirming that he sent and received "multiple texts . . . between June 1st and June 4th" regarding the June 1st events on Fordham Road and the lead-up through the June 4th Mott Haven protest. (Lehr DOI Interview Tr (Nov. 17, 2020) at 34:11-12 (DEF_000287123); *see also id.* at 34:7-10; 61:1-7 ("I got calls while there, while arrests were being [e]ffected, calls and text messages, I got text messages from Darcel Clark. I got calls and text messages from Reuben Diaz, Jr., the Borough President, and basically asking like what's going on. And I - they -- I said we're going to make sure that the Hub doesn't get destroyed, something along those lines I texted him back"). Can you please provide more detail on how the city confirmed the lack of responsive texts described in the transmittal letter? Are you asserting that Chief Lehr sent and received no texts at all from the relevant time period? Or, if he did, are you asserting that none of these texts is responsive? The texts described in Chief Lehr's quoted statements above would be obviously be both responsive and highly relevant to his upcoming deposition.
- **2) CCRB, IAB, and CPI histories.** Unlike other pre-deposition packets, Chief Lehr's does not reference either previously-produced or attached CCRB, IAB, and CPI records. Can you confirm that fully-updated versions of these records have all been previously produced, or else that they are forthcoming?

Thanks,

Bobby Hodgson | *Supervising Attorney*

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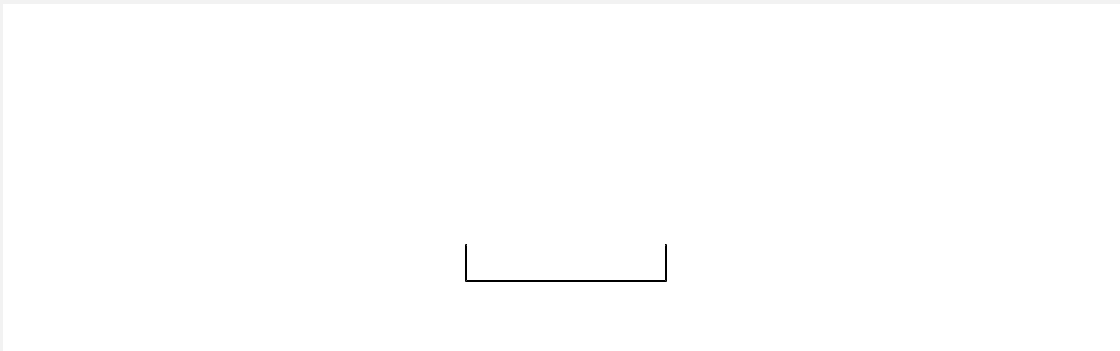
From: secure_mail@secureft.law.nyc.gov <secure_mail@secureft.law.nyc.gov>

Sent: Friday, April 21, 2023 9:22 PM

To: anthony.coles@dlapiper.com <anthony.coles@dlapiper.com>; sbushnell@quinnlawny.com <sbushnell@quinnlawny.com>; aquinn@quinnlawny.com <aquinn@quinnlawny.com>; sow-legal@blhny.com <sow-legal@blhny.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; ag.nypdlitigation@ag.ny.gov <ag.nypdlitigation@ag.ny.gov>; macquisto@quinnlawny.com <macquisto@quinnlawny.com>; graylegalteam@dwt.com <graylegalteam@dwt.com>; smcquade@pittalaw.com <smcquade@pittalaw.com>; rolonlegalteam@aboushi.com <rolonlegalteam@aboushi.com>; pbalitigationteam@schlamstone.com <pbalitigationteam@schlamstone.com>; lloomba@quinnlawny.com <lloomba@quinnlawny.com>

Cc: nyclawprotestteam@law.nyc.gov <nyclawprotestteam@law.nyc.gov>

Subject: Deposition Packet - Chief Kenneth Lehr



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